GPN-J-332-ARHCB-8_94-13,10,500-ALA4.
SPL.H.C.A.S.C.D. 79e.

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE.
CRIMINAL APPLICATION NO. 4865 OF 2003

IN
CRI. APPLICATION NO. 1448 OF 2005

The State of Maharashtra ...Applicant
vs.
Naresh Sukrya Patil & anr ...Respondent.

Office Notes, Office Memorada orders or directions and Registrar‘s orders.

Court‘s or Judge‘s Orders.

Mrs. P.H.Kantharia APP for State
Mr. S.V.Marwadi for the Respondent.

CORAM; V.G. PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DTAED; 29TH APRIL, 2005.

P.C.

1. Delay in filing application for leave to appeal against the order of acquittal condoned for reasons mentioned in the application.

2. Considered the impugned judgment. From perusal of the same it is obvious that there are several discrepancies which proved fatal to the prosecution case, particularly the delay in

filing the FIR, absence of any physical injury on the person of the accused when the incident is alleged to have taken place on hard soil, absence of immediate disclosure to any one by the prosecutrix, does go to show that prosecution story has not entirely put forward as it factually was by the prosecution. In such circumstances, we cannot find fault with the order of acquittal. Hence leave rejected.

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